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Summary record of the 65th meeting
Held at Headquarters, New York, on Wednesday, 20 May 1998, at 10 a.m.

Chairman: Ms. Incera (Vice-Chairman) ..... (Costa Rica)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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98-80670 (E)

In the absence of Mr. Chowdhury (Bangladesh), Ms. Incera (Costa Rica) took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 17: Appointments to fill vacancies in subsidiary organs and other appointments (*continued*) (A/C.5/52/1/Add.5)

(a) **Appointment of members of the Advisory Committee on Administrative and Budgetary Questions** (*continued*) (A/52/101/Rev.1/Add.1; A/C.5/52/5/Add.1)

1. **The Chairman** drew attention to document A/52/101/Rev.1/Add.1 whereby the Secretary-General informed the General Assembly that he had received notification of the resignation of Mr. José Antônio Marcondes de Carvalho (Brazil) from the Advisory Committee on Administrative and Budgetary Questions, and requested the General Assembly to appoint a person to fill the remainder of the term of office of Mr. Marcondes de Carvalho, which would expire on 31 December 1998. In document A/C.5/52/5/Add.1, the Secretary-General informed the General Assembly that the Government of Brazil had nominated Mr. Pedro Paulo d'Escragnolle-Taunay to fill the unexpired portion of the term of office of Mr. Marcondes de Carvalho.

2. She took it that the Committee wished to recommend to the General Assembly the appointment of Mr. Pedro Paulo d'Escragnolle-Taunay (Brazil) as a member of the Advisory Committee on Administrative and Budgetary Questions for a term of office beginning on the date on which the General Assembly approved the appointment until 31 December 1998.

3. *It was so decided.*

(b) **Appointment of members of the Committee on Contributions** (*continued*) (A/52/102/Rev.1/Add.1; A/C.5/52/6/Add.1)

4. **The Chairman** drew attention to document A/52/102/Rev.1/Add.1, whereby the Secretary-General informed the General Assembly that he had received notification of the resignation of Mr. Evgueni N. Deineko (Russian Federation) from the Committee on Contributions and requested the General Assembly to appoint a person to fill the remainder of Mr. Deineko's term of office, which would expire on 31 December 1999. In document A/C.5/52/6/Add.1, the Secretary-General informed the General Assembly that the Government of the Russian Federation had nominated Mr. Sergei I. Mareyev to fill the unexpired portion of Mr. Deineko's term of office.

5. She took it that the Committee wished to recommend to the General Assembly the appointment of Mr. Sergei I. Mareyev (Russian Federation) as a member of the Committee on Contributions, for a term of office beginning on the date on which the General Assembly approved the appointment until 31 December 1999.

6. *It was so decided.*

7. **Ms. Shearouse** (United States of America), speaking as Chairman of the United Nations Staff Pension Committee and referring to agenda item 17 (g), said that the Fifth Committee was scheduled to appoint the eighth and final member of that Committee on 29 May 1998. She understood that there were currently no nominations. While the vacant position would normally be filled by a member of the Group of Asian States, it could be filled by a representative of any Member State. Since the General Assembly was the governing body responsible for the United Nations Joint Staff Pension Fund, it would be regrettable for its representation at the July session of the United Nations Joint Staff Pension Board to be incomplete. She strongly urged the Group of Asian States to nominate a candidate for appointment to the United Nations Staff Pension Committee. Should that not be feasible, she suggested that the Committee should appoint a member from one of the other regional groups.

Agenda item 142: Administrative and budgetary aspects of the financing of United Nations peacekeeping operations (*continued*)

(a) **Financing of the United Nations peacekeeping operations** (*continued*) (A/51/965, A/52/30, A/52/837 and Corr. 1, A/52/838 and A/52/892; A/C.5/51/52/Rev.1)

Agenda item 114: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/52/698, A/52/709 and Corr.1, A/52/710, A/52/823 and A/52/890; A/C.5/52/43 and A/C.5/52/51)

8. **Mr. Bista** (Nepal) said that, in view of Nepal's firm commitment to United Nations peacekeeping activities, both at Headquarters and in the field, his delegation fully aligned itself with the statement made at the previous meeting by the representative of Indonesia on behalf of the Group of 77 and China.

9. His delegation had already explained its position on the issues of the support account and gratis personnel. It welcomed the proposals made by the Secretary-General. While it agreed in principle that the Secretary-General should strive to make use of other sources of financing, it believed that his proposals concerning the support account should be endorsed so that he would be able to fulfil his mandates in carrying out peacekeeping activities through mechanisms such as the Rapidly Deployable Mission Headquarters (RDMHQ), which was at the core of the stand-by system and should be made operational at the earliest possible date. His Government had already signed an agreement with the United Nations for stand-by arrangements and would like to see it made operational.

10. **Mr. Zhang Wanhai** (China) said that all mandated United Nations activities must be adequately staffed and funded, and that funding for activities related to peacekeeping operations, including backstopping by the Secretariat, should be assured. The use of gratis personnel was not in keeping with United Nations regulations since it affected geographical balance, particularly in the Department of Peacekeeping Operations. Such personnel should be phased out in accordance with the General Assembly's resolutions on the subject. His delegation could agree to appropriate increases in backstopping posts to offset the effect of such reductions.

11. The support account was being used over and above the level originally foreseen. The Secretary-General's report (A/52/837, para. 32) seemed to point to a direct linkage between the backstopping workload at Headquarters and the number of active peacekeeping operations. Since 1990, the number of peacekeeping operations had increased 2.75 times; the support-account resources requested for the period from 1 July 1998 to 30 June 1999 were, however, 9.8 times their 1990 level. The support account had been established to fund temporary Secretariat posts for the backstopping of peacekeeping operations. In recent years, however, it had been used to fund not only personnel who were directly involved in peacekeeping operations, but also those who were only indirectly involved, and to fund regular-budget as well as temporary posts. Unless that serious situation was remedied, the resource requirements of the support account would continue to increase.

12. His delegation was also concerned about the overly long process of mission liquidation. Although it understood the difficulty of accurately forecasting when significant work in respect of closed missions would cease, it did not feel that that was an excuse for failing to set a limit on the duration of mission liquidation. He asked for more information on the major factors affecting liquidation processes and on the measures taken by the Secretariat in that regard. He also asked for an estimate of when the missions which had completed their official mandates would come to a close.

13. The Secretary-General's report on the important issue of the support account had not become available to delegations until 6 May, despite the decision by the General Assembly, in resolution 51/239 A, paragraph 3, that the report should be submitted no later than 31 March 1998. The delay had prevented Member States from undertaking an in-depth study of the document as early as possible. He reiterated his delegation's question as to when each stage of production of the document (drafting, translation, printing and distribution) had begun and ended, so that Member States could know the real reasons for the delay.

14. **Ms. Buergo Rodriguez** (Cuba) said that her delegation's general position was in line with that expressed by the representative of Indonesia on behalf of the Group of 77 and China at the previous meeting.

15. Her Government believed that General Assembly resolution 51/243 must be fully implemented and that the gratis personnel currently working in the Department of Peacekeeping Operations should be phased out by 31 December 1998. The General Assembly must therefore provide that Department with the necessary human and financial resources to carry out its activities. Her Government was prepared to approve the conversion of the number of posts necessary to maintain the capacity of the Organization in that sphere and to allow the main bodies concerned to fulfil their mandates. The Secretariat must provide the additional information requested by the Group of 77 so as to facilitate the adoption of the necessary decisions; those decisions should be adopted at the current session on the basis of a detailed analysis of the justifications provided by the Secretariat for the posts to be established or converted. That procedure should be treated as a matter of priority so that the recruitment process could begin immediately, on the basis of the principles of equitable geographical distribution and efficiency, competence and integrity, and on the relevant provisions of paragraph 26 of General Assembly resolution 51/226. Her delegation was surprised that the Secretariat was proposing the establishment of eight new posts for RDMHQ, since from the outset its activities were to have been financed by voluntary contributions. It was disturbed by the trend to finance from assessed contributions certain activities which had been promoted by only one group of countries and which, from the beginning, were to have been financed from extrabudgetary resources. Such a change in the method of financing was unacceptable.

16. Her delegation believed that the functions of the Department of Peacekeeping Operations and of the Department of Political Affairs should be merged so as to avoid duplication and overlap while generating economies of scale. The Secretary-General should provide a full in-depth analysis at the fifty-third session so that the necessary policy measures could be adopted.

17. The irregularities in the mechanisms for the acceptance of gratis personnel were a matter of great political sensitivity and concern for all Member States. The General Assembly must ensure the strict implementation of resolution 51/243. Her delegation took note with concern of paragraphs 3 and 4 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/52/890), which suggested that the criteria for the acceptance of gratis personnel were being relaxed or disregarded. Furthermore, there was no justification for the delays in the recruitment of personnel.

18. With regard to the revised guidelines for type II gratis personnel, her delegation welcomed the assurances that such personnel would be accepted only from Member States, and it believed that a provision to that effect should be included in the resolution to be adopted. As to the methodology to be used for the application of administrative support costs, her delegation reiterated the principle that no administrative support costs should be charged to the regular budget, in accordance with financial regulation 7.2.

19. Her delegation was concerned about the information on gratis personnel in the Department of Peacekeeping Operations which had been provided. It supported paragraph 17 of the Advisory Committee's report (A/52/890) and hoped that it would be possible to phase out gratis personnel by the end of 1998.

20. With regard to paragraph 13 of the Advisory Committee's report (A/52/890), her delegation requested information on the functions performed by gratis personnel in the United Nations Special Commission and their nationality and, in particular, the reasons for their reclassification as type I.

21. In accordance with General Assembly resolution 51/243, the Secretary-General should continue to submit quarterly reports on gratis personnel. The tables provided should contain information broken down by department, nationality and length of service of each person, and should indicate the functions carried out. Her delegation hoped that the elimination of gratis personnel would be completed by 31 December 1998.

22. **Ms. Siti Hajjar** (Malaysia) said that her delegation supported the statement made at the previous meeting by the representative of Indonesia on behalf of the Group of 77 and China. It looked forward to the expeditious and successful completion of the phasing out of gratis personnel, which should be properly planned so as not to jeopardize the ability of the relevant departments to carry out their mandated functions. Her delegation therefore urged the Secretariat to take early, effective measures to expedite the recruitment process on a broad geographical basis in order to replace the gratis personnel, and to incorporate into the phase-out plan detailed transitional arrangements so as to minimize disruption, loss of continuity and loss of expertise. It was to be hoped that, with the phasing out of gratis personnel, the issue of geographical balance in some parts of the Secretariat, especially the Department of Peacekeeping Operations and other sensitive areas, could finally be put in order.

23. **Mr. Mirmohammad** (Islamic Republic of Iran) said that his delegation's position was in line with that expressed by the representative of Indonesia, on behalf of the Group of 77 and China, at the previous meeting. His delegation fully subscribed to the four issues raised by the representative of India and awaited answers to them. With regard to the new posts proposed by the Secretariat for RDMHQ, his delegation was not convinced that they should be funded from the support account.

24. **Mr. Halbwachs** (Controller) said, with regard to the delay in the provision of documentation, that, although the report on the support account for peacekeeping operations had been submitted on 20 March 1998, there had not been sufficient time for translation and reproduction by 30 March because of the heavy workload of the services concerned.

25. The reason for the high vacancy rate in the Department of Peacekeeping Operations was not that posts had been deliberately blocked, but that recruitment took a long time. At the time of submission of the report, there had been 18 vacancies in the Department; there were now 14 vacancies, for which recruitment was under way. A few other posts were vacant pending the return of staff who had gone on mission. He could assure the Committee that no posts had been kept vacant so that gratis personnel could be used. The Advisory Committee's recommendation that the vacancy factor in the next budget should be increased from 5 to 8 per cent meant that, when budgeting for posts, the Secretariat would provide for 92 per cent of the estimated cost of each post instead of 95 per cent. That was a budgetary technique which would not impose any restriction on the Secretariat in terms of recruitment. According to his records, all the information requested by the Advisory Committee had been provided.

26. On the question of how it had been determined that 36 posts in the Department of Peacekeeping Operations would need to be filled by officers in active military or police service, he said that the determination had emerged from the post-by-post review which had taken place in that Department; the functions required of those posts were deemed to be such that they could only be filled by officers in active military or police service.

27. Written information would be provided on the question of core responsibilities in the Department of Peacekeeping Operations. In that connection, he recalled that, in paragraph 14 of his report to the General Assembly at its forty-ninth session (A/49/717), the Secretary-General had defined core functions as those associated with the management of key policy issues and organizational performance, strategic planning and start-up capacity. The Secretary-General believed that the number of core posts required for peacekeeping operations, including minimum start-up capacity, was about 88, including 74 for the Department of Peacekeeping Operations. The Advisory Committee had expressed the view that any attempt to define core and non-core posts might lead to a time-consuming debate.

28. On the question of the funding of core posts under the regular budget, the Secretary-General had proposed that, in the programme budget for the biennium 1996-1997, a number of posts funded from the support account should be moved to the regular budget, but the General Assembly had not approved that proposal.

29. On the question of potential overlap between the Department of Peacekeeping Operations and the Department of Political Affairs, he said that the Department of Political Affairs was involved in political advocacy while the Department of Peacekeeping Operations was involved in operational functions.

30. The decrease in the dollar value of peacekeeping operations from $3.5 billion in 1994 to $800 million had had an impact on the workload; the number of posts financed from the support account had been reduced from 408 in 1996 to 346 at the current time.

31. With regard to the potential overlap between the Department of Peacekeeping Operations and the Office of the Controller in terms of the processing of claims, the roles of the two offices were distinct and reflected the separation of the certifying and approving functions, which was at the core of financial control.

32. With regard to the request made by the representative of the United States of America, he said that the Secretariat had provided information in annexes I and II to the report (A/52/837), and information was provided in a different format in the regular budget document. An analysis which included all the entities which directly and indirectly supported peacekeeping would be a monumental task requiring the presentation of budgetary information in a third format, and would be greatly hampered by the absence of any timekeeping system in the Secretariat.

33. Further information would be provided to the Committee on a number of the questions he had referred to.

34. **Ms. Laux** (Officer-in-Charge of the Office of Human Resources Management) said that the views expressed by the Advisory Committee and by a number of delegations in the Fifth Committee, to the effect that type II gratis personnel could be accepted only under the conditions provided for in paragraphs 4 (a) and (b) of General Assembly resolution 51/243 and that such personnel could not be accepted on the grounds of failure to recruit staff expeditiously, would be conveyed to all departments that used type II gratis personnel. Quarterly reports would continue to be submitted and would contain enhanced information similar to that contained in document A/52/709. With regard to the phasing out of gratis personnel in the Department of Peacekeeping Operations, that Department was collaborating closely with the Department of Management in classifying posts and circulating vacancy announcements, and would act as expeditiously as possible to recruit staff for those posts, if the latter were approved, to replace type II gratis personnel.

35. In reply to the questions posed by the representative of Iraq at the preceding meeting, she said that, as indicated in document A/51/688/Add.3, the United Nations Special Commission reported directly to the Security Council on all matters related to its activities and its staff were governed by a special regime set out in the report of the Secretary-General to the Security Council (S/22508) on the implementation of paragraph 9 (b) (i) of Security Council resolution 687 (1991). Consequently, the guidelines for type II gratis personnel did not apply to gratis personnel of the Special Commission. The change from type II to type I gratis personnel had no financial implications and would not entail any increased liability in respect of the proceeds from petroleum sales.

36. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, said that General Assembly resolution 51/243 should be implemented fully and expeditiously. He trusted that the phasing out of gratis personnel not covered by the exceptions provided for in that resolution would not affect the proper and efficient functioning of the Secretariat departments concerned; the

Committee's decisions on other agenda items would be important in that context.

37. He agreed with the Advisory Committee that reports on the use of gratis personnel should continue to be provided, but suggested that the need for such reports on a quarterly basis should be kept under review. He was not convinced by the Advisory Committee's argument that the use of gratis personnel in relation to the International Tribunal for Rwanda during the period under consideration had not complied with General Assembly resolution 51/243. However, he shared its view that the use of gratis personnel should not be allowed to delay recruitment.

38. Although the revised guidelines for the use of type II gratis personnel, contained in document A/52/698, represented a great improvement, he had reservations about the stipulation that gratis personnel should not be allowed to supervise staff members. That restriction would be unnecessary if proper arrangements were in place, and such supervision might even be an integral part of the functions of some gratis personnel. He therefore asked why the proposal had been made. Moreover, the restriction, to only six months, of the duration of the functions of gratis personnel accepted under paragraph 4 (b) of General Assembly resolution 51/243 was unrealistic, considering that the average time it took to recruit a staff member was 460 days, according to the report of the Office of Internal Oversight Services (A/53/90, para. 31). He also asked for clarification of the amendment recommended by the Advisory Committee to paragraph 25 of the Secretary-General's report (A/52/698), which concerned third-party claims. Lastly, he endorsed the Secretary-General's view that administrative support costs should not be charged for gratis personnel accepted in accordance with General Assembly resolution 51/243.

39. **Mr. Mihut** (Romania) and **Mr. Jaremczuk** (Poland) said that they wished to align themselves with the statement made by the representative of the United Kingdom on behalf of the European Union.

40. **Mr. Odaga-Jalomayo** (Uganda) asked for an estimate of how long it would take to recruit staff to replace the gratis personnel being phased out of the Department of Peacekeeping Operations, so that that time-frame could be reflected in the resolution to be adopted on the subject.

41. **Ms. Laux** (Officer-in-Charge of the Office of Human Resources Management) said that no recruitment could take place until the posts in question were approved. However, her Office had already begun the process of classifying and preparing job descriptions for those posts so that the recruitment process could begin immediately the posts were approved.

42. **Mr. Wortel** (Director of the Operational Services Division) said that the Office of Human Resources Management maintained its position that staff members should be supervised only by other members of the United Nations Secretariat. Even technical cooperation experts recruited under the 200 series of the Staff Rules could not supervise other staff members, although they could head certain projects. Performance evaluations, including those under the Performance Appraisal System (PAS), for gratis personnel were prepared by the staff members who supervised them.

43. **Mr. Sklar** (United States of America) said that, if the average recruitment time was 460 days, the phasing out of gratis personnel would have to be completed considerably later than the target date of 31 December 1998. He welcomed the preparatory work being done by the Office of Human Resources Management, which would expedite the recruitment process, and asked for an estimate of how significantly that approach would shorten the recruitment process.

44. **Mr. Wortel** (Director of the Operational Services Division) said that recruitment procedures were being streamlined. For the posts to be approved for the Department of Peacekeeping Operations, he estimated that the classification process would be carried out in May and June 1998, the vacancy announcements would be circulated in July and August 1998 and the new staff would be recruited between September and November 1998. Moreover, vacancy announcements for the International Tribunal for Rwanda were currently being circulated.

45. **Mr. Moktefi** (Algeria) said that the Secretariat had a clear obligation, under General Assembly resolution 51/243, to accelerate the recruitment process so that gratis personnel could be replaced expeditiously. The Secretariat must respect the deadline for the completion of that process, even if it had to take exceptional measures in order to do so.

46. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, said he agreed with the representative of Algeria that the recruitment of staff to replace phased-out gratis personnel was a crucial issue. He would seek further information in that regard in informal consultations.

47. **Ms. Güray** (Turkey) said that she shared the concerns expressed by the representatives of the United Kingdom and the United States of America.

The meeting rose at 11.25 a.m.

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Summary record of the 66th meeting
Held at Headquarters, New York, on Thursday, 21 May 1998, at 10 a.m.

Chairman: Ms. Daes (Vice-Chairman) ..... (Greece)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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98-80676 (E)

In the absence of Mr. Chowdhury (Bangladesh), Ms. Daes (Greece), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 161: Financing of the United Nations Mission in the Central African Republic (A/52/895 and A/52/911)

1. **Mr. Yeo** (Director of the Peacekeeping Financing Division) introduced the report of the Secretary-General on the financing of the United Nations Mission in the Central African Republic (MINURCA) (A/52/895). The operation was the first new peacekeeping mission to be established in some time, and the first for which the new contingent-owned equipment arrangements had been fully implemented. The report covered two periods, the initial three-month period from 15 April to 15 July 1998, and the maintenance of the Mission from 1 July to 30 November 1998. The cost estimate of $20.8 million for the maintenance of the mission reflected a voluntary contribution in kind of $967,400 from the Government of France; cost estimates for that period were to be found in paragraphs 15 and 16. No estimates had been prepared for the electoral component and the liquidation phase, as his office was awaiting proposals from the Secretary-General.

2. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) (A/52/911) said that the Secretary-General's estimate of $20.8 million gross for the period from 27 March to 30 June 1998 included extrabudgetary resources. In paragraph 27 of its report, the Advisory Committee recommended an appropriation of $18,560,600 gross. The estimates of $28.8 million for the period from 1 July to 30 November 1998 included $1.1 million in voluntary contributions; in paragraph 28 of its report, the Advisory Committee recommended acceptance of the Secretary-General's request. The Advisory Committee's comments had led to a slight technical adjustment in the area of staff costs, as explained in paragraph 22. The comments of the Advisory Committee regarding the arrangements for troop rations were to be found in paragraphs 18, 19 and 20.

3. **Mr. Odaga-Jalomayo** (Uganda) expressed the displeasure of his delegation that the relevant reports had only just been released, allowing no time for study of the issues. The late issuance of documents was a major concern and the Secretariat must take steps to correct the situation in order to ensure the effective functioning of the Organization. He noted with regret that, as one peacekeeping operation in Africa was liquidated, another was replacing it. His delegation had also taken note of the report of the Secretary-General (A/52/871) on the causes of conflict and the promotion of durable peace and sustainable development in Africa. It hoped that the international community would support initiatives to usher in peace in the African continent. As long as Africa remained in an economic quagmire, peace would be difficult to achieve.

4. He commended the Secretariat on the rapid and smooth deployment of contingents, which confirmed his belief that, with the commitment of the international community, the United Nations could have a significant influence in conflict situations. The mandate of MINURCA was of limited duration, extending 90 days after the results of the planned elections were announced, with the drawdown to begin no more than 60 days later. The elections were currently scheduled for August/September 1998 and the transition that would take place thereafter was crucially important to sustained peace and security in the region.

5. His delegation was grateful to the Governments which had contributed troops to the peacekeeping operation and those which had indicated their intention to do so and he asked whether the target deployment of 1,200 troops had been achieved. He also expressed appreciation to those countries which had made contributions and enquired about the status of the trust fund.

6. According to the report of ACABQ, at the request of some troop-contributing countries, troops were receiving a cash allowance of $11.04 per person per day instead of rations. He wondered how that figure had been arrived at and whether individuals could opt for the cash allowance or whether a contingent as a whole must choose that formula. He wondered what steps had been taken to avoid the risk of double payments. He requested an update on the status of recruitment of civilian personnel. He understood that the troop-contributing countries had not yet signed the Memorandum of Understanding, and he asked for clarifications. He would also appreciate an explanation of how the special account for MINURCA had been established.

7. **Mr. Yeo** (Director of the Peacekeeping Financing Division) said, with regard to the late issuance of the report, that the Security Council had adopted its resolution 1159 (1998) establishing the peacekeeping operation on 27 March. In accordance with established procedures, on 30 March his office had requested commitment authority from ACABQ; that authority had been received on 13 April. The report had been finalized on 11 May, as negotiations between the

Department of Peacekeeping Operations and the troop-contributing countries were ongoing and had been more complex than expected. He felt that the Secretariat should be commended for producing the report in time for consideration at the second part of the resumed session rather than criticized.

8. As of 1 May 1998, the 1,200 troops were almost all on the ground; only one contingent's deployment had been delayed. With regard to voluntary contributions to the trust fund, none had been received as yet.

9. The payment of a cash allowance in lieu of rations was an arrangement which had been inherited from the previous mission. The cost of providing rations had been calculated at $17 per person for the first 30 days and $15 thereafter, including the costs of transportation, handling and warehousing. The daily allowance of $11.04 represented a savings for the mission. He saw no potential for problems of double payments; security arrangements for the handling of large amounts of cash were a matter of greater concern.

10. With regard to the status of recruitment of civilian staff, as of 11 May, 46 international staff had been deployed and a further 26 were in travel status. Of the 24 civilian police experts, 8 would be deployed by 29 May. Negotiations on the Memorandum of Understanding were continuing, and it was a frequent practice to sign such documents after a contingent was in place. As for the establishment of the special account, the Security Council had authorized the deployment of troops from 15 March, and it was the usual practice to establish the account as of the date of authorization.

11. **Mr. Odaga-Jalomayo** (Uganda) said that his delegation did indeed commend the Secretariat for the quick deployment of the mission, but it still maintained that it was difficult, if not impossible, to discuss an issue in depth without receiving the documents well in advance.

12. The reports indicated that the payment of a cash allowance in lieu of rations would result in savings to the operation. If so, he wondered why the Secretariat had not pursued that approach as opposed to the provision of rations.

13. **Mr. Yeo** (Director of the Peacekeeping Financing Division) said that the provision of rations was standard United Nations practice and the cash payments were an exception in the case of MINURCA.

14. **Mr. Farid** (Saudi Arabia) requested clarification of the estimates for the periods 15 April to 30 June 1998 and 1 July to 30 November 1998 as contained in document A/52/895. The figures for rental of vehicles given in paragraph 24 of annex III.C did not appear to correspond to the estimated requirements for oil and petrol in paragraph 26. Similarly, the requirements for the training programmes during the first period were $43,500, while they dropped to only $3,000 for the period from 1 July to 30 November 1998 (para. 49). The fluctuations in the figures for air and surface freight (para. 50) also required some explanation.

15. **Mr. Odaga-Jalomayo** (Uganda) said that he was interested to know whether an attempt had been made to pursue the cash payment approach in lieu of rations and, if so, whether any difficulties had been encountered.

16. **Mr. Yeo** (Director of the Peacekeeping Financing Division), replying to the representative of Saudi Arabia, said that the costs of peacekeeping missions were most substantial during the initial period of deployment; that would in large part explain the significant reductions in the estimates for the second period. In the area of training, for example, the estimate for the initial period was higher to allow for the acquisition of equipment. The second period reflected only the costs of the trainers.

17. The current practice with regard to rations had been established with the approval of the General Assembly as part of the reform package. It was not the usual practice to make cash payments because of the potential for theft.

18. There was no link between the costs of rental of armoured personnel carriers and the requirements for petrol, oil and lubricants, which were based on the number of vehicles and assumed usage.

19. **Mr. Odaga-Jalomayo** (Uganda) requested information on the comparative costs of providing rations and giving cash allowances to military personnel.

Agenda item 132: Financing of the United Nations Mission in Haiti *(continued)* (A/52/512, A/52/833 and A/52/905)

Agenda item 141: Financing of the United Nations Support Mission in Haiti *(continued)* (A/52/798, A/52/854, A/52/818 and A/52/869)

20. **Mr. Yeo** (Director of the Peacekeeping Financing Division) said that the report of the Secretary-General on the financing of the United Nations Mission in Haiti (UNMIH) (A/52/833) covered the period from 1 to 31 July 1996, when the mandate of UNMIH had been terminated. The approved appropriation had been $1,197,100 gross ($1,185,800 net), and actual expenditure had been $1,159,000 gross and net, resulting in an unencumbered balance of $38,100 gross ($26,800 net). The General Assembly might wish to take a decision regarding the treatment of the unencumbered balance.

21. The report of the Secretary-General on the financing of the United Nations Support Mission in Haiti (UNSMIH) (A/52/854) covered the period from 1 July 1996 to 30 June 1997. The amount appropriated had been $56,105,000 gross ($53,708,600 net) and the expenditures had amounted to $46,988,000 gross ($45,428,900 net), resulting in an unencumbered balance of $9,117,000 gross ($8,279,700 net). The action to be taken by the General Assembly was a decision regarding the treatment of the unencumbered balance.

22. The report of the Secretary-General on the financing of the United Nations Support Mission in Haiti (UNSMIH), the United Nations Transition Mission in Haiti (UNTMIH) and the United Nations Civilian Police Mission in Haiti (MIPONUH) (A/52/869) contained the revised budget for the periods from 1 July 1997 to 30 June 1998 and from 1 July 1998 to 30 June 1999, as well as the requirements for the maintenance of MIPONUH from 1 July 1998 to 30 November 1998. The report was presented in the simplified format requested by the Advisory Committee. The actions to be taken by the General Assembly were set out in paragraph 17.

23. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) introduced the Advisory Committee's report on the financing of UNMIH (A/52/905). Paragraphs 2 to 6 dealt with the financial performance report for the liquidation of UNMIH from 1 to 31 July 1996; in that connection, the Advisory Committee recommended that the General Assembly should take note of the unencumbered balance of $38,100 gross ($26,800 net) and defer further action until the final performance report of UNMIH was received.

24. Paragraphs 7 to 12 dealt with the financial performance report for UNSMIH from 1 July 1996 to 30 June 1997; in that connection, the Advisory Committee recommended that the unencumbered balance of $9,117,000 gross ($8,279,700 net) should be credited to Member States.

25. Paragraphs 13 to 19 related to the revised cost estimates for the period from 1 July 1997 to 30 June 1998 for UNSMIH, UNTMIH and MIPONUH. The Advisory Committee had requested that the original estimates presented by the Secretary-General should be reviewed, the presentation improved, and the information updated. The Secretariat had accordingly revised the original estimates from $34,334,400 to $30,318,800, a reduction of $4,015,600. The amount now proposed – $30,318,800 gross ($29,080,800 net) included a voluntary contribution of $1,999,900. The Advisory Committee recommended the appropriation and assessment of $13,227,900 gross ($12,602,500 net), in addition to the amount of $15,091,000 gross ($14,478,400 net) already appropriated and assessed under General Assembly resolution 51/15 B.

26. Paragraphs 20 and 21 dealt with the revised cost estimates for MIPONUH. The revised estimates of $18,524,800 gross ($17,779,200 net) represented a decrease of $904,000 gross ($821,300 net) from the original estimates. The Advisory Committee recommended, taking into account its observations in paragraph 23 of its report on peacekeeping operations (A/52/860), a reduction of 5 per cent in the proposed appropriation and assessment for MIPONUH, resulting in the amount of $15,970,070 gross ($15,261,750 net).

27. **Mr. Boynton** (United States of America) said that UNMIH was an important mission which had several significant accomplishments to its credit and his Government had made voluntary contributions in kind to support it. His delegation welcomed the competitive bulk purchases and associated economies of scale and the savings achieved through the use of wet-lease agreements for contingent-owned equipment.

Other matters

28. **Mr. Moktefi** (Algeria) said that his delegation sought clarification about the composition of the teams sent by the Secretariat to negotiate new arrangements for contingent-owned equipment. In three reports – in documents A/52/860, paragraph 47, A/52/860/Add.1, paragraph 10, and A/52/868, paragraph 6 – the Advisory Committee had referred to the use of gratis personnel to conduct such negotiations. In informal consultations, however, the Secretariat had provided conflicting information.

29. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, when preparing its reports, the Advisory Committee was very careful to check the information it received; in most cases, information provided orally was not used until it was confirmed in writing.

30. In paragraph 10 of document A/52/860/Add.1, the Advisory Committee indicated that Headquarters staff had not been involved in the negotiations on the new contingent-owned equipment arrangements, and that negotiations with the troop-contributing countries had been conducted by three gratis personnel from three countries. That information had been provided to the Advisory Committee in writing by the Secretariat, in a document dated 25 March 1998. If different information had been provided to the Fifth Committee, the Secretariat would have to explain the reasons for such a change.

31. **Mr. Yeo** (Director of the Peacekeeping Financing Division) said he could confirm that the Secretariat had provided written information to the Advisory Committee. He had subsequently been informed by the Field Administration and Logistics Division that the information had proved to be misleading. The Secretariat would provide a written statement to the Committee and send a copy to the Advisory Committee.

32. **Mr. Persaud** (Chief of the Finance Management Support Service) said that, in the case of the United Nations Preventive Deployment Force, a team of three persons had reviewed the new arrangements relating to contingent-owned equipment and death and disability benefits. No negotiations had been conducted by gratis personnel, but there had been three gratis personnel involved in various other processes. The information provided to the Advisory Committee had been incorrect and the Secretariat had issued a correction clarifying the role of the three gratis personnel.

33. **Mr. Moktefi** (Algeria) said it was highly regrettable that the Advisory Committee had been given inaccurate information; the question arose as to whether such occurrences were routine or exceptional.

The meeting rose at 11.25 a.m.

United Nations A/C.5/52/SR.67

General Assembly
Fifty-second session

Official Records

Distr.: General
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Fifth Committee

Summary record of the 67th meeting
Held at Headquarters, New York, on Thursday, 28 May 1998, at 10 a.m.

Chairman: Ms. Incera (Vice-Chairman) ..... (Costa Rica)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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Agenda item 122: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*)

Agenda item 153: Human resources management (*continued*)

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98-80697 (E)

In the absence of Mr. Chowdhury (Bangladesh), Ms. Incera (Costa Rica), Vice-Chairman, took the Chair.

The meeting was called to order at 10.30 a.m.

Agenda item 122: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*) (A/C.5/52/L.52)

1. **Mr. Atiyanto** (Indonesia), introducing draft resolution A/C.5/52/L.52, on behalf of the Group of 77 and China, said that those delegations attached great importance to the financing of the United Nations Interim Force in Lebanon (UNIFIL) and strongly believed that General Assembly resolutions and decisions, including General Assembly resolution 51/233, should be fully implemented. In that regard, they deeply regretted to note from the report of the Secretary-General (A/52/804) that, to date, no payment had been received from the party concerned with regard to paragraphs 7 and 8 of General Assembly resolution 51/233. The Group of 77 and China hoped that draft resolution A/C.5/52/L.52 would be adopted by consensus.

Agenda item 153: Human resources management (*continued*) (A/52/30/Add.1, A/52/488)

2. **The Chairman** drew attention to the report of the Secretary-General on the proposed United Nations Code of Conduct (A/52/488), a question which was also being considered under items 114 and 157. She recalled that the General Assembly, in its decision 52/521, had invited the International Civil Service Commission (ICSC) to examine the proposed Code of Conduct as a matter of priority. The Committee therefore had before it the relevant report of ICSC (A/52/30/Add.1).

3. **Mr. Vegega** (Vice-Chairman of the International Civil Service Commission), introducing the comments of ICSC on the report of the Security-General on the proposed United Nations Code of Conduct (A/52/30/Add.1), said that, following the adoption of General Assembly decision 52/521, ICSC had rearranged its sessional work programme so as to complete its review of the proposed Code of Conduct in a timely manner. In order to deal with the matter, it had formed an open-ended working group of the whole in which, in addition to the members of ICSC, representatives of the United Nations Secretariat, of a number of specialized agencies and of the Coordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) had participated. The representatives of the specialized agencies had made it clear that their presence should not be interpreted as support for the proposed Code; rather, they wished to ensure that the proposed Code would apply only to the United Nations, that it would not be applicable to the other organizations, which had their own individual needs and that the United Nations initiative would in no way affect the prerogative of those organizations to develop their own ethical standards, should they decide to do so. Under article 15 of its statute, however, ICSC had a responsibility to make recommendations to the organizations on the development of common staff regulations, taking into account the particular responsibilities and mandates of each organization. It was because of its implications for the common system that the General Assembly had referred the matter to ICSC.

4. ICSC, and other participants in the working group, had considered that a more appropriate title should be selected for the Code, since the impression was created that the objective of the proposed Code was to replace the 1954 Standards of Conduct prepared by the International Civil Service Advisory Board (ICSAB) the predecessor to ICSC. When the Secretariat had assured ICSC that the proposed Code was an amendment to article I of the Staff Regulations and chapter I of the Staff Rules, ICSC had decided to carry out its review by comparing the existing regulations and rules with the proposed amendment, concentrating on areas where substantive differences could be identified.

5. ICSC had reviewed the recommendations and comments of the working group and adopted them as its report (A/52/30/Add.1). In transmitting the report to the General Assembly, ICSC had decided to recommend that the United Nations might proceed with the proposed amendment to its Staff Regulations and Rules, on the understanding that the revised text was applicable to the United Nations only and would not be applicable to other organizations. ICSC had made a distinction between the proposed amendments to legal texts and a review of common standards which, in its view, should govern the entire civil service. The discussion had pointed to the need to modernize existing ethical standards, an undertaking in which a number of national civil services were currently engaged. For that reason, ICSC would embark on the updating of the 1954 ICSAB Standards of Conduct, in collaboration with the common system organizations.

6. **Mr. Bond** (United States of America) said that since the proposed Code of Conduct had been under consideration for over four years, and had now been reviewed by ICSC, it would be unconscionable if the Committee failed to adopt it, especially in the light of the recommendation by ICSC. Member States were very interested in the proposed Code, as a symbol of United Nations reform efforts. There was

broad support for it, and the Committee must act. It was his delegation's understanding that the Code would apply only to the United Nations; ICSC would then consider how it could be applied to the entire United Nations system.

7. **Ms. Powles** (New Zealand) said her delegation noted that, in paragraph 47 of its report (A/52/30/Add.1), ICSC recommended that the United Nations might proceed with the proposed amendment to its Staff Regulations and Rules, in order that the United Nations Code of Conduct might enter into effect. In paragraphs 15, 16 and 17 of the report of the Secretary-General (A/52/488), the General Assembly was asked to approve the report and adopt the necessary amendments to the Staff Regulations, and to take note of the text of chapter I of the Staff Rules, to be promulgated by the Secretary-General. Her delegation hoped that the new Staff Regulations would enter into effect as soon as possible; the original deadline of 1 January 1998 set by the Secretary-General had already been missed, and six months had elapsed since the General Assembly had decided that consideration of the item should be expedited. The Committee should aim to complete its work on the item before the end of the fifty-second session, and should decide to take action as soon as possible to facilitate the implementation of the Code of Conduct.

8. **Mr. Medina** (Morocco) said that, since the report of ICSC had only just become available, his delegation had not had time to study it. The Committee had very little time left at the current part of the resumed session, and would not be able to give adequate consideration to the report at the third part of the resumed session. In view of the sensitive nature of the amendments, his delegation therefore proposed that the Committee should defer consideration of the item to the fifty-third session of the General Assembly.

9. **Mr. Farid** (Saudi Arabia) said that the United Nations, as a huge organization, needed a Code of Conduct and the General Assembly should not postpone the Code any longer.

10. With regard to staff regulation 1.2 (o), his delegation felt strongly that there was a need for financial disclosure at the D-1 level and above, especially in sensitive areas such as disbursements and procurement.

11. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, said that the Committee should take note of the comments by ICSC and that the Secretary-General should be free to implement the Code.

12. **Mr. Sulaiman** (Syrian Arab Republic) said that he shared the view expressed by the representative of Morocco. The Committee could not at present approve the proposed Code of Conduct, following incorporation of the amendments proposed by ICSC, before his country's authorities had examined the comments of ICSC. He pointed out that his delegation had only recently received the report of ICSC and he therefore supported deferral of the decision on the proposed Code until the fifty-third session.

13. **Mr. Armitage** (Australia) said that when the Committee had last considered the proposed Code of Conduct, there had been very few issues of substantive concern. The Committee had given in-depth consideration to the Code, and had determined that it was a matter of priority. It should therefore try to finish its consideration of the matter by the end of the fifty-second session.

14. **Mr. Darwish** (Egypt) said that his delegation welcomed the proposed Code and the ideas which it contained. It also supported some of the specific proposals submitted by various delegations, including the proposal to extend the requirement concerning financial disclosure statements. He referred to the comments made at previous sessions, as well as the comment of the Legal Counsel of the Food and Agricultural Organization of the United Nations (FAO) concerning the title of the proposed Code, and proposed that it should be changed to "Code on the Rights and Duties of Staff", as the current title created the impression that there were transgressions of conduct. He requested clarification as to what had been done concerning the move to extend the requirement concerning financial disclosure statements to the top grades in the Organization and to certain sensitive positions in the Department of Peacekeeping Operations and the Purchasing Section. The latter was an important section handling billions of dollars and it was therefore essential to establish certain controls. He added that, although his delegation supported the ICSC recommendations, it believed that they should not be approved hastily in view of the radical changes in the current Financial Regulations and Rules which would be required.

15. **Ms. Buergo-Rodriguez** (Cuba) said that, since the Committee had been considering the proposed Code for some time, it should now complete its work. It could not, however, simply take note of a document which it had not had an opportunity to consider. The Committee needed to give detailed consideration to the comments of ICSC and should take a decision at the fifty-third session.

16. **Mr. Medina** (Morocco) said that his delegation attached great importance to the proposed Code and was not opposed to its application to the staff of the United Nations and of all the organizations in the system. However, because of the special nature of the Code and its legal implications, his delegation had asked that consideration of the report

should be deferred to the fifty-third session so that it could be considered in detail with all due attention.

17. **Mr. Hanson** (Canada) said that his delegation supported the Secretary-General's proposed Code of Conduct and the recommendations currently before the Committee. The proposed Code, including the issues referred to in the ICSC report, had already been debated thoroughly. For example, on the subject of financial disclosure, paragraph 34 of the ICSC report (A/52/30/Add.1) indicated that one of the participants in the discussions had said that proposed staff regulation 1.2 (o) was unnecessary because Member States would not propose candidates lacking in integrity. Given the complexities of human nature, however, the Member State which he represented would not venture to subscribe to such a statement. A financial disclosure requirement would not conflict with the right to privacy, as the information disclosed would not be made public.

18. **Mr. Sial** (Pakistan) said he was pleased to note that, according to the ICSC report, the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA) had expressed no serious reservations to the proposed Code of Conduct. The proposal put forward by the representative of Saudi Arabia deserved consideration. Although his delegation felt that a code of conduct was needed for the staff of both the United Nations and the specialized agencies, it noted the ICSC recommendation that, for the time being, the proposed Code should apply only to United Nations staff. Noting that, in paragraph 48 of its report, ICSC recommended that the name of the proposed Code of Conduct should be changed but had not suggested an alternative, he asked whether the name would indeed by changed and, if so, what new name would be chosen.

19. **Mr. Blukis** (Latvia) said that the Committee had already implicitly decided to consider the ICSC report on the proposed Code of Conduct at the fifty-second session, since it had asked ICSC to deal with the issue as a matter of priority. The Committee should show its appreciation of the Commission's efficiency by also taking prompt action on the issue, not necessarily by the end of the current part of the resumed session, but certainly during the third part.

20. **Mr. Elmontaser** (Libyan Arab Jamahiriya) expressed regret that the ICSC report had been submitted so late. His delegation attached importance to the proposed Code of Conduct, which it supported in principle. Some comments, however, required detailed discussion and he therefore believed that consideration of the report should be deferred until later so that it could be studied.

21. **Mr. Ahounou** (Côte d'Ivoire) said that, since the ICSC report had only just become available, delegations had not had time to study it in depth. In view of the importance of the issue in the context of the overall reform process, the Committee should not act hastily. It should discuss the comments of ICSC during the third part of the resumed fifty-second session.

22. **Mr. Yamagiwa** (Japan) said that the comments that had been made indicated that further discussion was needed on some points. At the same time, the Committee should spare no effort to accelerate its consideration of the proposed Code of Conduct.

23. **Ms. Powles** (New Zealand) said that she had not meant to propose that the Committee should take a decision on the issue the following day, at the one remaining formal meeting of the second part of the resumed session. Rather, the item should be scheduled for consideration during the third part of the resumed session. That would give delegations three months in which to study the ICSC report. Deferring the item to the fifty-third session would be completely unacceptable to her delegation.

24. **Ms. Laux** (Officer-in-charge of the Office of Human Resources Management) said, in reply to the representative of Pakistan, that the name of the proposed Code of Conduct could be changed either to "Article I of the Staff Regulations and chapter I of the Staff Rules" or to "Duties, Rights and Obligations of Staff Members".

25. **Mr. Darwish** (Egypt) reiterated his proposal that the title of the proposed Code should be "Code on the Rights and Duties of Staff" rather than "Code of Conduct" and requested the reaction of members to that proposal.

26. **Mr. Ahounou** (Côte d'Ivoire) said that, before beginning to debate the substance of the issue, the Committee must first decide whether to consider it immediately or to defer it until the third part of the resumed session.

27. **Ms. Powles** (New Zealand) said that her delegation was open to suggestions about the name or to discussions on the substance of the proposed Code of Conduct at any time.

28. **Ms. Laux** (Officer-in-charge of the Office of Human Resources Management) said that the new name proposed by the representative of Egypt was acceptable.

29. **The Chairman** suggested that, at its next formal meeting, the Committee should decide when to consider the proposed Code of Conduct.

30. *It was so decided.*

The meeting rose at 11.30 a.m.

United Nations A/C.5/52/SR.68

General Assembly
Fifty-second session

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Fifth Committee

Summary record of the first part* of the 68th meeting
Held at Headquarters, New York, on Friday, 29 May 1998, at 3 p.m.

Chairman: Mr. Chowdhury ..... (Bangladesh)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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(a) United Nations Disengagement Observer Force (*continued*)

* The summary record of the second part of the meeting, to be convened at a later date, will appear as document A/C.5/52/SR.68/Add.1

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98-80703 (E)

Agenda item 124: Financing of the activities arising from Security Council resolution 687 (1991) (*continued*)

(a) United Nations Iraq-Kuwait Observation Mission (*continued*)

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Agenda item 114: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations Peacekeeping Operations (*continued*)

(a) Financing of the United Nations Peacekeeping Operations (*continued*)

The meeting was called to order at 3.25 p.m.

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations Peacekeeping Operations (*continued*)

1. **The Chairman** recalled that, during the Committee's consideration of the item during the first part of the resumed fifty-second session in March 1998, a request had been made for a report updating the information provided in document A/47/484 on the composition of the existing groups of Member States for the apportionment of the costs of peacekeeping operations financed through assessed contributions. An information note containing such an updating had now been prepared and distributed to the Committee.

The meeting was suspended at 3.30 p.m. and resumed at 8.35 p.m.

Agenda item 17: Appointments to fill vacancies in subsidiary organs and other appointments (*continued*)

(g) Appointment of members and alternate members of the United Nations Staff Pension Committee (*continued*) **(A/52/107; A/C.5/52/11/Add.4)**

2. **The Chairman**, referring to document A/C.5/52/11/Add.4, said that the Committee was now in a position to recommend to the General Assembly the appointment of a member from the Group of Asian States to fill the remaining vacancy on the United Nations Staff Pension Committee. Mr. Mochamad Slamet Hidayat (Indonesia) had been nominated by his Government for a term of office beginning on 1 January 1998.

3. *The Committee decided to recommend the appointment of Mr. Hidayat (Indonesia) to the United Nations Staff Pension Committee for a term of office beginning on 1 January 1998.*

Agenda item 122: Financing of the United Nations Peacekeeping Forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*)

Draft resolutions A/C.5/52/L.36 and A/C.5/52/L.52

4. **Ms. Incera** (Costa Rica) reported that the further informal consultations on draft resolution A/C.5/52/L.36 had unfortunately failed to produce a consensus.

5. **Mr. Sulaiman** (Syrian Arab Republic) said that the draft resolution on the financing of the United Nations Interim Force in Lebanon (UNIFIL) (A/C.5/52/L.52) reaffirmed that Israel was liable for the payment of a sum which was derisory in relation to the heavy losses caused by its attack on the headquarters of the Force in Lebanon. In resolution 51/233 the General Assembly had decided that the costs resulting from that attack, some $1,773,618, should be borne by Israel, but as was clear from the report of the Secretary-General on the financing of the Force, that country had failed to comply with the resolution. He urged Member States to support draft resolution A/C.5/52/L.52, which was submitted by the Group of 77 and China, and reaffirmed the position of his delegation, namely, that Israel was responsible not only for the costs of its attack on the headquarters of the Force but also for the basic financing of that Force, since its aggression against, and occupation of, Arab land was the real reason for the existence of the Force. His delegation was confident that the Secretary-General would, in accordance with the provisions of the draft resolution, take the necessary measures to ensure the full implementation of General Assembly resolution 51/233, since the credibility of the United Nations was bound up with the measures taken to implement its resolutions. The international community must not allow Israel to remain outside its law. The continued existence of the Force was dependent on a guarantee that Israel would not repeat its acts of aggression against Lebanon and that it would comply with resolution 51/233. He expressed his appreciation to those delegations that had voted in favour of resolution 51/233 in 1997 and to the coordinator of the consultations for the efforts she had made to try to reach a consensus on the draft resolution. That she had not succeeded was due to the belief held by some delegations that it was not essential for resolution 51/233 to be implemented. His delegation would explain its position on the draft resolution once it had been adopted by the General Assembly.

6. **Mr. Yeo** (Director of the Peacekeeping Financing Division) noted that no figures had been inserted in paragraph 11 of draft resolution A/C.5/52/L.52 because the Secretariat could not provide the amount of the appropriations, inclusive of the amount for the support account, until consultations were completed and action taken on draft resolution A/C.5/52/L.54 concerning the support account. If draft resolution A/C.5/52/L.52 was adopted provisionally, the Secretariat could later provide a consolidated table of figures to fill in the blanks.

7. He further pointed out that, if the draft resolution on the financing of the United Nations Logistics Base at Brindisi (A/C.5/52/L.53), which envisaged that the cost of

the Logistics Base should be absorbed, was adopted, the reference to an appropriation for the Logistics Base – both in draft resolution A/C.5/52/L.52 and in all the other financing resolutions – would have to be deleted.

8. **The Chairman** noted that the new text proposed by the Group of 77 and China also left blanks for figures in paragraphs 1 and 12. He suggested that the Committee might adopt the draft resolution subject to the filling in of the appropriate amounts on the basis of a later decision on the support account.

9. **Mr. Sulaiman** (Syrian Arab Republic) asked the Secretariat to confirm that, when the total appropriation for UNIFIL was determined, the amount filled in in paragraph 11 would be consistent with the recommendation in paragraph 5 of the draft resolution and would exclude the $1,773,618 to be paid by Israel for the Qana incident.

10. **Mr. Yeo** (Director of the Peacekeeping Financing Division) confirmed that no provision relative to the incident at Qana had been made in the proposed budget for the biennium 1998-1999, since the $1,773,618 related to both the prior and the current budgetary periods. He recalled that, in resolution 51/233, the General Assembly had authorized the Secretary-General to enter into commitments in the amount of $1,773,618 to cover the costs resulting from the incident (para. 7), but at the same time had decided that the entire amount should be borne by Israel (para. 8). To date, as indicated in document A/52/804, no payment had been received; consequently the money had not been appropriated.

11. **Mr. Menkveld** (Netherlands), supported by **Mr. Atiyanto** (Indonesia), proposed that the text of the draft resolution should be consistent with all other financing resolutions which had been discussed in recent days or were currently before the Committee for consideration: the word "and" in footnote 2, referring to the reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) should be deleted; in paragraph 8, the word "*Endorses*" should be replaced by the words "*Takes note of*" before the reference to the reports of ACABQ; and, in paragraph 11, the phrase ", *as an ad hoc arrangement,*" should be inserted after the word "*Decides*".

12. *It was so decided.*

13. *At the request of the representative of the United States of America, a separate vote was taken on the first preambular paragraph and paragraphs 3, 4, 5 and 16 of draft resolution A/C.5/52/L.52.*

In favour:

Algeria, Argentina, Armenia, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Brunei Darussalam, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Morocco, Namibia, Nepal, Oman, Pakistan, Peru, Qatar, Russian Federation, Saudi Arabia, Singapore, South Africa, Sudan, Syrian Arab Republic, Thailand, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

Against:

Israel, United States of America.

Abstentions:

Australia, Austria, Bahamas, Belgium, Bulgaria, Cameroon, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Ghana, Greece, Hungary, Ireland, Italy, Jamaica, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay.

14. *The first preambular paragraph and paragraphs 3, 4, 5 and 16 of draft resolution A/C.5/52/L.52 were adopted by 51 votes to 2, with 38 abstentions.*

15. *A recorded vote was taken on draft resolution A/C.5/52/L.52 as a whole.*

In favour:

Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Finland, France, Germany, Ghana, Greece, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Morocco, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia,

Slovenia, South Africa, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Viet Nam, Zimbabwe.

Against:

Israel, United States of America.

Abstentions:

Iran (Islamic Republic of).

16. *Draft resolution A/C.5/52/L.52, as amended, was adopted by 89 votes to 2, with 1 abstention, subject to the inclusion of figures by the Secretariat in paragraphs 1, 11 and 12.*

17. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, expressed regret that the Committee had had to take a decision by vote rather than by consensus. He nevertheless welcomed the adoption of the draft resolution and asked the Secretary-General and all concerned to implement it fully in both letter and spirit.

18. **Mr. Mirmohammad** (Islamic Republic of Iran), speaking in explanation of vote after the vote, said that he had voted in favour of retaining the first preambular paragraph and paragraphs 3, 4, 5 and 16, but had abstained in the vote on the resolution as a whole because it believed that the financial requirements of UNIFIL should be borne by the aggressor party.

19. **Mr. Sklar** (United States of America) said that his delegation was still deeply concerned about paragraphs 7 and 8 of General Assembly resolution 51/233 and that it could not support any resolution that jeopardized points of principle which were important for United Nations operations. It had worked in good faith to achieve a compromise text that did not set an undesirable precedent or raise issues about the legality of the Committee's action and did not politicize the Committee's technical task, which was to decide on the financing of UNIFIL. That peacekeeping mission was doing important work and his delegation therefore deeply regretted the Committee's inability to agree on a compromise text.

20. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia and, in addition, Iceland, recalled their position regarding the Qana incident, which was that the costs resulting from that incident were of a special kind, that an appeal for voluntary contributions to finance the costs would be welcome, that the costs should be kept in the budget and that the financing of United Nations peacekeeping operations should continue to be a collective responsibility.

21. The States members of the European Union had abstained in the vote on the first preambular paragraph and paragraphs 3, 4, 5 and 16 of the draft resolution because they considered them inappropriate in the context of a resolution dealing with the financing of UNIFIL, which ought to have been confined to the budgetary aspects. The broader political aspects of the events in question had been debated in the plenary Assembly in 1996 and had resulted in the adoption of resolution 50/22 C; the States members of the European Union had made their political position clear at that time.

22. **Mr. Farid** (Saudi Arabia) expressed satisfaction at the adoption of draft resolution A/C.5/52/L.52. The Member State which had attacked the UNIFIL headquarters unjustifiably must pay to compensate for that deliberate attack, and his delegation strongly urged it to comply with the draft resolution which had just been adopted.

23. **Mr. Najem** (Lebanon) expressed appreciation to the delegations which had supported the resolution on the financing of UNIFIL, a peacekeeping force which was a guarantor of peace in the region. His delegation would reserve the explanation of its vote until the draft resolution was submitted to the General Assembly.

24. **Ms. Powles** (New Zealand), recalling that it was the Committee's task to ensure that costs were borne equitably by Member States according to the ad hoc peacekeeping scale, said that her delegation has abstained in the vote on the first preambular paragraph and paragraphs 3, 4, 5 and 16 of the draft resolution because the text departed from the agreed method of financing. It had, however, supported the draft resolution as a whole because it wanted UNIFIL to continue on a sound financial basis. All Member States were responsible for paying their share of the financing of peacekeeping missions and her delegation called on all those which had not done so to comply with their international obligations.

25. **Mr. Armitage** (Australia) said that his delegation was pleased that the adoption of the draft resolution meant the continuation of financing for UNIFIL, but regretted that it had not been possible to adopt it by consensus. The paragraphs on which a separate vote had been taken contained political elements which were not appropriate in a financing resolution and violated long-standing budgetary principles for peacekeeping operations based on collective responsibility. He also noted that a large number of Member States had not paid their assessed contributions for UNIFIL and urged them to do so promptly.

26. **Mr. Abdullah** (Yemen) said that his delegation, was surprised and indignant that bureaucratic considerations had deprived it of the right to vote, despite the fact that it had paid the minimum contribution some 10 days previously. His delegation was determined to exercise its voting privileges in the General Assembly.

27. **Mr. Watanabe** (Japan) said that, in the view of his delegation, decision-making by consensus was essential in the Fifth Committee. It had therefore abstained in the vote on the first preambular paragraph and paragraphs 3, 4, 5, and 16. However, since all Member States shared a collective responsibility for the financing of UNIFIL, his delegation had voted in favour of the draft resolution as a whole in keeping with its position on peacekeeping operations as expressed at the fifty-first session.

28. **Mr. Monayair** (Kuwait) said that his delegation supported the statement made by the representative of Indonesia on behalf of the Group of 77 and China and regretted that the Committee had had to take a decision by vote. His delegation had hoped that the draft resolution would be adopted by consensus, since the incident at Qana had been a loathsome crime against the United Nations, Lebanon, and all mankind.

29. **The Chairman** said that, in the light of the adoption of draft resolution A/C.5/52/L.52, he would withdraw draft resolution A/C.5/52/L.36.

Agenda item 114: Review of the efficiency of the administrative and financial functioning of the United Nations *(continued)*

30. **The Chairman** said that he had received many responses to his request for written proposals regarding the working methods of the Fifth Committee. Those suggestions would be compiled and circulated to members for review and action at the third part of the resumed session.

31. Concerning the question of the strengthening of external oversight mechanisms, the results of the informal consultations were not yet ready for discussion. He, therefore, took it that the Committee wished to recommend to the General Assembly that consideration of that question should be deferred until its fifty-third session.

32. *It was so decided.*

33. **The Chairman** said that, owing to lack of time, he took it that the Committee wished to defer consideration of the thematic reports of the Office of Internal Oversight Services until the third part of its resumed session.

34. *It was so decided.*

Agenda item 118: Joint Inspection Unit

35. **The Chairman** suggested that the Committee should defer consideration of agenda item 118 until the third part of its resumed session.

36. *It was so decided.*

Agenda item 122: Financing of the United Nations peacekeeping forces in the Middle East *(continued)*

(a) United Nations disengagement observer force *(continued)*

Draft resolution A/C.5/52/L.35

37. **Ms. Incera** (Costa Rica), introducing draft resolution A/C.5/52/L.35, said that, in the informal consultations, it had been decided to add the following phrase to the end of paragraphs 11 and 12: "and their respective share of the interest income in the amount of 1,671,000 dollars for the period from 1 December 1994 to 30 November 1995". Paragraph 13 should be deleted.

38. **Mr. Menkveld** (Netherlands) said it was his understanding that the reference to document A/52/860 in footnote 2 should be deleted. In addition, he proposed that, in paragraph 8, the phrase "as an ad hoc arrangement" should be inserted after the word "Decides".

39. *Draft resolution A/C.5/52/L.35, as orally revised and amended, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 8 and 9.*

40. **Mr. Kuntzle** (Germany), speaking in explanation of his delegation's position, said that it had joined in the consensus on peacekeeping financing, but with some reservations. The amount of every peacekeeping budget would not be fully covered by the contributions of Member States. In October 1995, one Member State had announced its intention to reduce its contribution to peacekeeping budgets to an amount it deemed convenient. Such unilateral action would further contribute to the difficult financial situation of the Organization and, in the long run, jeopardize the implementation of all peacekeeping operations. In the view of his delegation, the commitment authority of the Secretary-General would have to be adjusted to the predictable income level. His delegation could not accept non-payment by other Member States or a change in its effective share in the current scale of assessments.

Agenda item 124: Financing of the activities arising from Security Council resolution 687 (1991) *(continued)*

(a) United Nations Iraq-Kuwait Observation Mission (*continued*)

Draft resolution A/C.5/52/L.38

41. **Ms. Daes** (Greece), introducing draft resolution A/C.5/52/L.38, said that a number of revisions had been made to the text during the informal consultations. In paragraph 6, the word "*Endorses*" should be replaced by the phrase "*Takes note of*". A new paragraph 6 *bis* had been added which should read:

> "*Decides* to examine the recommendations of the Advisory Committee on Administrative and Budgetary Questions for a 5 per cent across-the-board reduction of the budget proposals of the Secretary-General in the light of the next series of relevant financial performance reports;"

The current paragraph 15 should be replaced by the following:

> "*Expresses* deep concern about the overpayment of mission subsistence allowances, at present calculated at 6,312,201.53 dollars, as well as the inaccuracy of the earlier estimated amount of 988,443.50 dollars, which represents a drastic increase of 5, 323,758.03 dollars, and the delay in reporting the matter to the General Assembly;"

Paragraph 16 should be amended to read:

> "*Requests* the Secretary-General to take all necessary measures to ensure that voluntary contributions towards the budgeted cost of the Observation Mission are utilized only in accordance with the procedures and practices of the General Assembly;"

A new paragraph 17 *bis* should be added which would read:

> "*Requests* the Secretary-General to review the recovery process, taking into account the results of the inquiry, and bearing in mind various aspects of these measures;"

The current paragraph 18 should be replaced by the following:

> "*Requests* the Secretary-General to ensure that all managers exercising financial responsibilities are issued with the revised and updated version of the Financial Regulations and Rules;"

A new paragraph 18 *bis* should be added which would read:

> "*Requests* the Secretary-General to ensure that every official of the United Nations is responsible to the Secretary-General for the regularity of the actions taken by him or her in the course of his or her official duties. Any official who takes any action contrary to those Financial Regulations or Rules or to the Administrative Instructions issued in connection therewith may be held personally responsible and financially liable for the consequences of such actions;"

She urged the Committee to adopt the revised draft resolution by consensus.

42. **Ms. Duschner** (Canada) said that the reference to document A/52/860 and Add.7 should be deleted to bring the text into line with that of other resolutions on peacekeeping operations.

43. **Mr. Menkveld** (Netherlands) pointed out that the reference to the across-the-board budget reduction in the new paragraph 6 *bis* did not necessarily need to be included in other peacekeeping resolutions.

44. **Mr. Odaga-Jalomayo** (Uganda) said that his delegation had been under the impression that consultations on the revised paragraphs that had just been read out were still ongoing. In the future, it would be preferable if such extensive revisions could be issued in written form before a decision was taken. While his delegation would not block a consensus, it would have preferred to proceed differently.

45. *Draft resolution A/C.5/52/L.38, as orally revised, was adopted subject to the inclusion of figures by the Secretariat in paragraphs 9, 10 and 11.*

46. **Mr. Monayair** (Kuwait), noting that many paragraphs had been inserted and many revisions had been made to the draft resolution, said that, in his opinion, the main reason for that was that sums amounting to some $6 million had been spent in excess of those agreed upon. His delegation hoped that the Secretary-General would endeavour to recoup those sums and pursue further inquiries of those responsible for the problem, which his delegation found very disturbing.

47. **Mr. Odaga-Jalomayo** (Uganda) said that, while his delegation had joined in the consensus, some of the new paragraphs in the draft resolution did not accurately reflect its views.

Agenda item 123: Financing of the United Nations Angola Verification Mission *(continued)*

Agenda item 159: Financing of the United Nations Observer Mission In Angola *(continued)*
(A/C.5/52/L.37)

Draft resolution A/C.5/52/L.37

48. **Mr. Smyth** (Ireland), introduced draft resolution A/C.5/52/L.37, which had been submitted by the Chairman, and announced a number of revisions, which had been agreed in consultations. In paragraph 7, the phrase "operational and substantive" should be deleted in line with previous practice. Changes of an editorial nature had been made in paragraph 8. The square brackets surrounding paragraph 10 should be removed, while paragraph 11 should be brought into line with paragraph 18 of draft resolution A/C.5/52/L.38, which had just been adopted. Paragraph 13 should be replaced by the following two new paragraphs:

> "*Recalls* the budgetary process contained in General Assembly resolution 49/233 A of 23 December 1994 on administrative and budgetary aspects of the financing of the United Nations peacekeeping operations;
>
> "*Notes* that the recommendation in paragraph 5 of the report of the Advisory Committee on Administrative and Budgetary Questions deviates from General Assembly resolution 49/233 A of 23 December 1994;".

49. *Draft resolution A/C.5/52/L.37, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 16, 17 and 18.*

Agenda item 125: Financing of the United Nations Mission for the Referendum in Western Sahara *(continued)*

Draft resolution A/C.5/52/L.39

50. **Mr. Hanson-Hall** (Ghana) introduced draft resolution A/C.5/52/L.39 which had been submitted by the Chairman, and announced a number of revisions, which had been agreed in consultations. Footnote 2 should read "A/52/860/Add.8", the square brackets should be removed from paragraph 7, and the phrase "operational and substantive" in that paragraph should be deleted in line with previous practice. In paragraph 8, the phrase "and the amount of _____ dollars for the United Nations Logistics Base at Brindisi" should be deleted. In paragraph 10, the phrase "of 1,276,000 dollars" should be deleted. He hoped that the draft resolution, as orally revised, would be adopted without a vote.

51. *Draft resolution A/C.5/52/L.39, as orally revised, was adopted subject to the inclusion of figures by the Secretariat in paragraphs 8 and 9.*

Agenda item 126: Financing and liquidation of the United Nations Transitional Authority in Cambodia *(continued)*

Draft resolution A/C.5/52/L.40

52. **Mr. Sulaiman** (Syrian Arab Republic), reporting on the informal consultations, said that draft resolution A/C.5/52/L.40 and the relevant reports of the Secretary-General and of ACABQ had been discussed and that consultations with delegations had resulted in a number of revisions to the draft resolution. The words "of the accumulated interest income of 6,944,000 dollars" should be added after the word "dollars" in paragraphs 13 and 14. Paragraph 15 should be replaced by the following:

> "*Takes note* of the views expressed by Member States on the treatment of the accumulated interest income in the Special Account for the United Nations Transitional Authority in Cambodia;"

He hoped that the draft resolution would be adopted without a vote.

53. *Draft resolution A/C.5/52/L.40, as orally revised, was adopted.*

Agenda item 127: Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces Headquarters *(continued)*

Draft decision A/C.5/52/L.41

54. **Mr. Odaga-Jalomayo** (Uganda), introduced draft decision A/C.5/52/L.41, which had been submitted by the Chairman. Paragraph (b), from which the square brackets should be removed, had been revised to read:

> "*Takes note* of the concern of the Advisory Committee on Administrative and Budgetary Questions expressed in paragraph 6 of its report regarding the use of gratis personnel as negotiators for the United Nations for wet-lease arrangements;".

He hoped that the draft decision would be adopted without a vote.

55. *Draft decision A/C.5/52/L.41, as orally revised, was adopted.*

Agenda item 129: Financing of the United Nations Operation in Mozambique *(continued)*

Draft resolution A/C.5/52/L.42

56. **Mr. Humenny** (Ukraine), on behalf of the Chairman, introduced draft resolution A/C.5/52/L.42 and announced the following revisions. At the end of paragraph 9, the phrase "and interest income of 4,971,000 dollars" should be inserted and the square brackets around the paragraph should be removed. The same phrase should be inserted after the word "dollars" in the last line of paragraph 10, and the square brackets should be removed from that paragraph also. Paragraph 11 should be replaced by the following text:

> "*Takes note* of the views expressed by Member States on the treatment of the accumulated interest income in the Special Account of the Operation;".

Minor editorial changes had also been made to the draft resolution, which he hoped would be adopted without a vote.

57. **Ms. Duschner** (Canada) said that, during consultations, her delegation had voiced its concern over the language of paragraphs 7 and 8 of the report of the Advisory Committee (A/52/853). The gist of the report was that the Secretariat should decide whether a Member State might apply the new procedures for contingent-owned equipment retroactively for missions prior to 1 July 1996, whereas it was her delegation's understanding that that decision was for the Member State to take. Her delegation could therefore not join in the consensus without further clarification from the Secretariat. She requested that a list should be made available showing which missions which had been designated for retroactive application of the new procedures and which had not been so designated. She also enquired further whether negotiations on retroactive application had begun for any missions, and, if so, what the status of those negotiations was.

58. **Ms. Archini de Giovanni** (Italy) supported the statement by the representative of Canada. Her delegation, too, had voiced its concern over the language of paragraphs 7 and 8 of the Advisory Committee's report.

59. **Mr. Odaga-Jalomayo** (Uganda) also supported the statement by the representative of Canada. Resolution 51/218 E, which had created the new procedures for contingent-owned equipment, should be viewed in the context of resolution 50/222, specifically as referred to in paragraph 8 of the draft resolution. In that light, he enquired how the Secretariat intended to apply the retroactive application procedures.

60. **Mr. Persaud** (Chief of the Finance Management and Support Service) recalled that, in resolution 51/218 E, the Assembly had taken note of the reports of the Phase II and Phase III Working Groups on Reimbursement of Contingent-owned Equipment (A/C.5/49/66, annex, and A/C.5/49/70, annex) and the related reports of the Advisory Committee (A/50/887 and A/51/646), and had reiterated that, for missions activated prior to 1 July 1996, countries had the option to accept reimbursement under either the new or the old reimbursement methodology. That continued to be the Secretariat's understanding, and arrangements had been made to conclude memoranda of understanding with troop-contributing countries that had informed the Secretariat of which option they had chosen.

61. He noted, in that connection, that the Secretariat had proposed, and Member States had agreed, that once a troop-contributing country opted for reimbursement under either methodology and the calculations had been made by the Secretariat, the decision could not be rescinded: processing claims and arriving at mutually agreed levels of reimbursement was a time-consuming exercise.

62. To date, the Secretariat had recorded all requests and reviewed almost all the backlog of cases relating to contingent-owned equipment, and therefore expected no further requests for changes from the old to the new methodology.

63. In July 1996, following the adoption of the new procedures, it had been decided that the administrative structure maintained in the United Nations Protection Force (UNPROFOR) to finalize the liquidation and support the three new missions in the former Yugoslavia provided the logical framework for testing the new procedures. Personnel who had been serving in the mission for several years had been able to determine the level of logistical support to the battalions and confirm the in-and-out service, spare parts consumption and, where applicable, claims for sustainment and "wet-lease" arrangements. The proximity of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the United Nations Preventive Deployment Force (UNPREDEP) had also been ideal for testing the new procedures. That had facilitated the compilation of a matrix to determine, *inter alia*, the level of support provided to the battalions. That option, however, had not been available for such missions as the United Nations Transitional Authority in Cambodia (UNTAC), the United Nations Operation in Mozambique

(UNOMOZ) and the United Nations Operation in Somalia (UNOSOM), all of which had ceased active operations.

64. Forty-three claims had been submitted under the retroactive application of the new procedures: two claims for the United Nations Peacekeeping Force in Cyprus (UNFICYP), one for the United Nations Disengagement Observer Force (UNDOF), 11 for UNTAES, three for UNPREDEP, six for the United Nations Angola Verification Mission (UNAVEM), two for the United Nations Assistance Mission for Rwanda (UNAMIR), three for the United Nations Support Mission in Haiti (UNSMIH), one for the United Nations Observer Mission in Georgia (UNOMIG), three for the United Nations Mission for the Referendum in Western Sahara (MINURSO), nine for UNPROFOR, one for UNOSOM and one for UNOMOZ. Two claims had been paid based on signed memoranda of understanding, and memoranda of understanding had been signed in eight other cases. Although negotiations had been completed on six of those cases, the memoranda of understanding for the six cases had not yet been signed. Twenty-five cases were being processed and two remaining requests for reimbursement – for UNOSOM and UNOMOZ – were under review.

65. In response to the question put by the representative of Uganda as to how the Secretariat would interpret those requests for reimbursement, he said that the Secretariat was guided by the relevant decisions of the Fifth Committee. The Advisory Committee had referred to the reimbursement of a claim from one Member State and it was up to the Fifth Committee to guide the Secretariat as to the manner in which that reimbursement should be processed.

66. *Draft decision A/C.5/52/L.42, as orally revised, was adopted.*

Agenda item 130: Financing of the United Nations Peacekeeping Force in Cyprus (*continued*)

Draft resolution A/C.5/52/L.43

67. **Mr. Watanabe** (Japan), introducing draft resolution A/C.5/52/L.43, which had been submitted by the Chairman, said that the word "and" in footnote 2 should be deleted; in paragraph 7, the words "operational and substantive" should be deleted; and the bracketed paragraphs 15 and 16 should be deleted and the following three paragraphs should be renumbered accordingly.

68. *Draft resolution A/C.5/52/L.43, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 11, 12 and 13.*

69. **Mr. Droushiotis** (Cyprus) said that his delegation wished to thank the representative of Japan for coordinating the consultations on the draft resolution. It was also grateful to all the members of the Committee and the Secretariat who had participated in the consultations and enabled the Committee to adopt the draft resolution without a vote.

Agenda item 131: Financing of the United Nations Observer Mission in Georgia (*continued*)

Draft resolution A/C.5/52/L.44

70. **Mr. Moktefi** (Algeria), Rapporteur, introducing draft resolution A/C.5/52/L.44, said that the word "and" in footnote 2 and the words "operational and substantive" in paragraph 7 should be deleted.

71. *Draft resolution A/C.5/52/L.44, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 8 and 9.*

Agenda item 132: Financing of the United Nations Mission in Haiti (*continued*)

Draft decision A/C.5/52/L.45

72. **Mr. Ahounou** (Côte d'Ivoire), introducing draft decision A/C.5/52/L.45, which had been submitted by the Chairman, said he hoped that the Committee would be able to adopt it without a vote.

73. *Draft decision A/C.5/52/L.45 was adopted.*

Agenda item 136: Financing of the United Nations Mission of Observers in Tajikistan (*continued*)

Draft resolution A/C.5/52/L.46

74. **Mr. Moktefi** (Algeria), Rapporteur, introducing draft resolution A/C.5/52/L.46, said that the word "and" in footnote 2 and the words "operational and substantive" in paragraph 8, should be deleted.

75. *Draft resolution A/C.5/52/L.46, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 9 and 10.*

Agenda item 137: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 (*continued*)

76. **Mr. Hanson** (Canada) said that consultations on the item had revealed that the Committee was not yet in a position to take a decision in which it would take note of the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services (A/52/784). He therefore recommended that the Committee should defer further consideration of the item until the third part of its resumed session.

77. **Mr. Odaga-Jalomayo** (Uganda) said that the consultations on the item that had been held during the current session had been extremely productive. Owing to time constraints, however, it had not been possible for delegations to express their views on how the Committee should proceed. His delegation regretted that it had not been possible to draft a decision on the item, which it had hoped would have consisted of four parts. The first part would have acknowledged that the report of the Office of Internal Oversight Services regarding the International Criminal Tribunal for Rwanda had been extensively considered by the General Assembly. In the second part, it would have been proposed that note should be taken of the Office's positive comments on the overall improvement in the administration of the Tribunal since the preparation of the previous report on the subject (A/51/789). In the third part, the General Assembly would have called upon the Secretary-General to ensure that, to the extent possible, the Tribunal was managed in a manner similar to that in which the other existing Tribunal was managed. Finally, the Committee would have proposed the inclusion of a paragraph stressing that the issues pertaining to personnel matters that were contained in the report should be reviewed within the context of the budget for the Tribunal.

78. During the consultations, his delegation had noted with extreme concern the number of days that the Prosecutor had spent in Arusha, and had taken note of the comment that had been made informally that perhaps it was high time for the General Assembly to reconsider its decision to have one Prosecutor for both Tribunals. According to reports that his delegation had received, that situation had been extremely disadvantageous for the International Criminal Court for Rwanda, and he hoped that the matter would be addressed at a later date.

79. Lastly, his delegation wished to comment on an unfortunate incident that had taken place during the discussions with the Secretariat. A member of his delegation had made a comment that had elicited an uncalled-for response from the Secretariat. His delegation had stated that, in the conduct of its investigations, the Office of Internal Oversight Services should ensure that the sources of its information were impartial and reliable. Since the Government of Uganda attached great importance to the International Criminal Tribunal for Rwanda, the response to his delegation's comment had been very disturbing.

80. **The Chairman** suggested that, in the light of the statement made by the representative of Canada, the Committee should defer further consideration of the item until the third part of its resumed session.

81. *It was so decided.*

Agenda item 138: Financing of the United Nations Mission in Bosnia and Herzegovina (*continued*)

Draft resolution A/C.5/52/L.47

82. **Mr. Odaga-Jalomayo** (Uganda), introducing draft resolution A/C.5/52/L.47, which had been submitted by the Chairman, said that the word "and" in footnote 2 and the words "operational and substantive" in paragraph 6 *bis* should be deleted and the square brackets around paragraph 6 *bis* should be removed.

83. *Draft resolution A/C.5/52/L.47, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 7 and 8.*

Agenda item 139: Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (*continued*)

Draft resolution A/C.5/52/L.48

84. **Mr. Odaga-Jalomayo** (Uganda), introducing draft resolution A/C.5/52/L.48, which had been submitted by the Chairman, said that the words "operational and substantive" in paragraph 6 *bis* should be deleted and the square brackets around paragraph 6 *bis* should be removed.

85. *Draft resolution A/C.5/52/L.48, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 14 and 15.*

Agenda item 140: Financing of the United Nations Preventive Deployment Force (*continued*)

Draft resolution A/C.5/52/L.49

86. **Mr. Odaga-Jalomayo** (Uganda), introducing draft resolution A/C.5/52/L.49, which had been submitted by the Chairman, said that the words "operational and substantive" in paragraph 6 *bis* should be deleted and the square brackets around paragraph 6 *bis* should be removed.

87. *Draft resolution A/C.5/52/L.49, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 7 and 8.*

Agenda item 141: Financing of the United Nations Support Mission in Haiti (*continued*)

Draft resolution A/C.5/52/L.50

88. **Mr. Ahounou** (Côte d'Ivoire), introducing draft resolution A/C.5/52/L.50, which had been submitted by the Chairman, said that, in paragraph 8, the words "commensurate with the operational and substantive requirements of the United Nations Civilian Police Mission in Haiti" should be revised to read "commensurate with the requirements of the Mission".

89. *Draft resolution A/C.5/52/L.50, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 15 and 16.*

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*)

Draft resolution A/C.5/52/L.54: Support account

90. **The Chairman** said that, since consultations were still being held on draft resolution A/C.5/52/L.54, it could not yet be distributed to delegations. The Committee would therefore consider it at a later stage.

Draft resolution A/C.5/52/L.7: Third-party liability: temporal and financial limitations

91. *Mr. Mazemo* (Zimbabwe), introducing draft resolution A/C.5/52/L.7, which had been submitted by the Chairman, said that, in paragraph 9, a subparagraph (e) should be added, which would read:

> "(e) In exceptional circumstances, the Secretary-General may recommend to the General Assembly, for its approval, that the limitation of 50,000 United States dollars provided in subparagraph (d) above, be exceeded in a particular case if the Secretary-General, after carrying out the required investigations, finds that there exist compelling reasons that warrant exceeding the limitation."

92. While the Committee had recognized the need to refine the definition of "operational necessity", it was widely acknowledged that, in paragraph 14 of his report (A/51/389), the Secretary-General had made an excellent attempt to define that term. It was therefore not appropriate at the current stage, for the Committee to request in a resolution that the Secretary-General should continue to work on the definition of the term since that would require the Committee to request him to submit a progress report. Member States and delegations should, however, continue their work in that area.

93. *Draft resolution A/C.5/52/L.7, as orally revised, was adopted.*

Budgetary requirements for peacekeeping operations

94. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the reports of the Secretary-General on the six-month update of information on the proposed budgetary requirements of each peacekeeping operation for the period from 1 July 1997 to 30 June 1998, which were contained in documents A/C.5/52/44 and Corr.1 and A/C.5/52/52.

95. *It was so decided.*

Draft resolution A/C.5/52/L.53: United Nations Logistics Base, Brindisi

96. **Mr. Mazemo** (Zimbabwe), introducing draft resolution A/C.5/52/L.53, which had been submitted by the Chairman, said that the word "and" should be deleted in footnote 2. Consequently, in the third preambular paragraph, the phrase "the related reports of the Advisory Committee on Administrative and Budgetary Questions" should be amended to read "the related report of the Advisory Committee on Administrative and Budgetary Questions".

97. *Draft resolution A/C.5/52/L.53, as orally revised, was adopted.*

Death and disability benefits

98. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the reports of the Secretary-General on death and disability benefits: second and third quarterly reports regarding clearing of backlog of claims, which were contained in documents A/C.5/52/37 and A/C.5/52/50, respectively.

99. *It was so decided.*

Agenda item 143: Report of the Secretary-General on the activities of the Office of Internal Oversight Services (*continued*)

100. **The Chairman** suggested that the Committee should defer further consideration of the item until the third part of its resumed session.

101. *It was so decided.*

Agenda item 153: Human resources management (*continued*)

Proposed United Nations Code of Conduct A/52/30/Add.1 and A/52/488

102. **The Chairman** suggested that, bearing in mind the views that had been expressed by Member States during the Committee's consideration of the question and owing to the lack of time, the Committee should recommend to the General Assembly that it should defer further consideration of the question until the third part of its resumed session.

103. *It was so decided.*

Agenda item 161: Financing of the United Nations Mission in the Central African Republic (*continued*)

Draft resolution A/C.5/52/L.51

104. **Ms. Achouri** (Tunisia), introducing draft resolution A/C.5/52/L.51, which had been submitted by the Chairman, said that, in paragraph 5, the words "operational and substantive" should be deleted.

105. *Draft resolution A/C.5/52/L.51, as orally revised, was adopted, subject to the inclusion of figures by the Secretariat in paragraphs 10, 11, 12, 13 and 14.*

106. **Mr. Ekorong A Ndong** (Cameroon) said his delegation hoped that the financial means would be made available in order to enable the Mission to carry out its activities in the Central African Republic. While it was pleased that delegations had demonstrated their flexibility by accepting paragraphs 2 and 3, it would have preferred the provisions referred to in those paragraphs to have been clearly spelt out, since their effective implementation would ensure the success of the Mission.

107. **Mr. Odaga-Jalomayo** (Uganda) said his delegation hoped that the Mission would be provided with the necessary financial resources to enable it to fulfil its responsibilities, and it appealed to Member States to contribute to the trust fund for the support of the Mission's activities. His delegation noted that elections were expected to be held in the Central African Republic in August or September 1998, and it hoped that the United Nations would be closely involved in the electoral process.

Agenda item 116: Programme budget for the biennium 1998-1999 (*continued*)

Draft resolution A/C.5/52/L.56

108. **Mr. Riva** (Argentina), introducing draft resolution A/C.5/52/L.56, which had been submitted by the Chairman, said that, in paragraph 4, "decision 52/447" should read "decision 52/477", and that paragraph 6 should be revised to read:

> "6. *Requests* the Secretary-General to present proposals on the use of the funds available in section 34 of the programme budget for the biennium 1998-1999 to be presented to the relevant intergovernmental bodies as soon as possible and not later than 31 July 1998;"

In the third line of paragraph 1 of the Spanish text, the words "*información básica*" should read "*información sustantiva*".

109. **Mr. Zhang Wanhai** (China) said that there were many inaccuracies in the Chinese text of the draft resolution and the Secretariat should make all the necessary corrections. His delegation hoped that, in future, Chinese translations of reports to be submitted by the Secretary-General would be more accurate.

110. **Mr. Ekorong A Ndong** (Cameroon) said that, in paragraph 1 of the draft resolution, the word "documents" was not correct since, at least in French, a document was merely a sheet of paper. His delegation therefore proposed that the word "documents" should be replaced by "reports".

111. **Ms. Fahmy** (Egypt) said that her delegation shared the concern expressed by the representative of Cameroon with regard to the references to "documents" rather than reports, since the same problem existed in Arabic. She supported the changes proposed by that representative, adding that all the revisions announced by the coordinator of the informal consultations could equally well be applied to the Arabic text. She proposed that paragraph 4 (c) should read: "The sustainability of the Development Account and its activities beyond the year 2003".

112. **Mr. Ahounou** (Côte d'Ivoire) said that, in paragraph 6 of the French text, the words "*des fonds disponibles*" should be replaced by "*du crédit disponible*".

113. **Mr. Humenny** (Ukraine) said that, in paragraph 1 of the draft resolution, the word "reports" could not be used to refer to both documents A/52/758 and A/52/848, since

document A/52/758 was a report and document A/52/848 was a note.

114. **Ms. Fahmy** (Egypt) proposed that, in paragraph 1, the phrase "documents A/52/758 and A/52/848" should be amended to read "report A/52/758 and note A/52/848".

115. *It was so decided.*

116. *Draft resolution A/C.5/52/L.56, as orally revised and amended, was adopted.*

117. **Mr. Watanabe** (Japan) said that, during the informal consultations on draft resolution A/C.5/52/L.56, members of the Committee had become aware of the differences of opinion that existed among them. That realization was very useful to the Committee and the Secretariat. The Committee would need to hold more discussions in order to take a careful decision on the mechanism or modalities for financing the Development Account, and his delegation intended to participate actively in that process. Lastly, he wished to appeal to the Secretary-General, through the Chairman of the Fifth Committee, to ensure the timely submission and high quality of the documents required by the Committee.

Agenda item 114: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Draft resolution A/C.5/52/L.55: Gratis personnel

118. **Mrs. Brennen-Haylock** (Bahamas) said that consultations were still being held on draft resolution A/C.5/52/L.55, the text of which could not yet be distributed for technical reasons. She requested the Chairman to allow the members of the Committee to hold informal consultations with a view to reaching agreement on the remaining issues.

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*)

Draft resolution A/C.5/52/L.54: Support account for peacekeeping operations

119. **Mr. Armitage** (Australia) said that consultations on the text of draft resolution A/C.5/52/L.54, which was not yet available for distribution, were at a slightly less advanced stage than those on draft resolution A/C.5/52/L.55 on gratis personnel, with which the draft resolution on the support account was linked. Consultations must be continued in order to reach agreement on the basis for the decision that the Committee would take in the draft resolution on posts and appropriations. However, informal consultations on the draft resolution on the support account should be held after the draft resolution on gratis personnel had been finalized in consultations because many bracketed paragraphs in draft resolution A/C.5/52/L.54 duplicated paragraphs in draft resolution A/C.5/52/L.55.

The meeting was suspended at 12.35 a.m.

United Nations A/C.5/52/SR.69

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Fifty-second session

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Summary record of the 69th meeting
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Chairman: Mr. Chowdhury ..... (Bangladesh)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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98-81316 (E)

The meeting was called to order at 3.25 p.m.

Adoption of the agenda and organization of work
(A/C.5/52/L.57)

1. **The Chairman** said that, with regard to the organization of work for the third part of the resumed fifty-second session, the Bureau had suggested that consideration of questions for which a report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had not yet been issued should be deferred to the fifty-third session. Under agenda item 114 the relevant documents were A/C.5/52/56 and A/52/898, as well as the report of the Secretary-General on results-based budgeting, which had not been submitted for processing; under agenda item 116, document A/52/1009; under agenda item 119, documents A/51/946, A/52/685 and A/52/1000; under agenda item 135, document A/C.5/52/4/Add.1; and under agenda item 137, documents A/52/784 and A/C.5/52/13/Add.1. In connection with the last two items, relating to the two international criminal tribunals on the former Yugoslavia and on Rwanda, the Chairman of ACABQ, by letters dated 21 May and 8 May 1998 respectively, had authorized the Secretary-General to enter into commitments in an amount not exceeding $2,627,300 gross ($2,443,700 net) in 1998 for activities called for by Security Council resolutions 1166 (1998) and 1160 (1998), and had concurred in the Secretary-General entering into commitments in an amount not exceeding $1,464,600 gross ($1,350,500 net) in 1998 for the activities called for by Security Council resolution 1165 (1998). He took it that the Committee agreed to defer consideration of the reports mentioned to the fifty-third session.

2. *It was so decided.*

3. **The Chairman** said that, in the light of the decision just taken, the third part of the resumed session would be devoted to consideration of agenda items 114 (Review of the efficiency of the administrative and financial functioning of the United Nations), 118 (Joint Inspection Unit) and 153 (Human resources management).

4. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, said that the Committee would not be in a position to consider some very important questions, in particular the Development Account and gratis personnel. He wondered if ACABQ could rearrange its work programme in order to avoid such delays between the submission of reports of the Secretary-General and its reports. Moreover, the third part of the resumed session, which was rather short in any case, coincided with the second part of the thirty-eighth session of the Committee for Programme and Coordination (CPC). Better coordination of the work programmes of the Committee and CPC would perhaps be appropriate. The Group of 77 and China were, nevertheless, ready to participate in a constructive way in the debate on those subjects which could be considered.

5. **The Chairman** suggested that the Committee should take note of the views expressed by the Group of 77 and China and begin its consideration of agenda item 153, which essentially concerned the proposed United Nations Code of Conduct, given that informal consultations would first be conducted on items 114 and 118.

6. *It was so decided.*

Agenda item 153: Human resources management
(continued) (A/52/488/Add.1 and addendum to A/52/30)

7. **Ms. Salim** (Assistant Secretary-General for Human Resources Management) said that document A/52/488/Add.1 contained the Secretary-General's proposed revisions to his initial proposed Code of Conduct. Those revisions were of two types: first, since the International Civil Service Commission (ICSC) had recommended replacing the title "code of conduct" by more appropriate wording, the Secretary-General had proposed "Status, Basic Rights and Duties of Staff". Second, the Staff-Management Coordination Committee, believing that the rights and duties of staff representatives arose from Article VIII of the Staff Regulations and Chapter VIII of the Staff Rules, had recommended the deletion of any reference to those representatives from the proposed code. The Secretary-General therefore proposed to proceed with those changes, which affected draft staff regulations 1.1 (c) and 1.2 (g) and draft staff rule 101.2 (h).

8. **Ms. Butschek** (Austria), speaking on behalf of the European Union as well as Norway, the Central and Eastern European States associated with the Union (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) and Cyprus, said that the European Union had welcomed the Secretary-General's proposal as part of the track II reforms, while pointing out that the proposed code must not undermine basic rights of staff. The Union had agreed to request ICSC, an expert body, to comment on those proposals. The Secretariat had taken into account comments made by ICSC and the proposed modifications were an adequate response to the problems raised. The European Union welcomed the change in title, which would help to avoid any misinterpretation regarding the nature of the Secretary-General's proposal by clarifying not only the duties of staff

but also their rights. It took note of the proposal to delete all references to staff representation and to treat that issue under a different item, and hoped that, under those conditions, the Fifth Committee could approve the Secretary-General's proposal without further delay.

9. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, stressed the importance it attached to human resources management and the need to improve the performance of the supervisors and other staff of the Organization, including through the adoption of the Code of Conduct proposed by the Secretary-General. The latter had attempted to solve some of the problems which had arisen, in particular regarding the rights and duties of staff, the responsibilities of programme directors and staff-management relations. The time allotted for the consideration of that question would allow a substantive debate on the various aspects of the Secretary-General's proposals. The views of ICSC were very useful, and the Group of 77 and China hoped that constructive discussions on them would take place during the informal consultations. It also hoped, taking into account the statement made on 19 March 1998 by the Assistant Secretary-General for Human Resources Management, that the "separate" codes of conduct addressing the rights and duties of the Secretary-General and managers and experts on mission would be issued in the near future.

10. **Mr. Mekdad** (Syrian Arab Republic) said that the views and recommendations of ICSC were important and should be taken into account, in particular the recommendation contained in paragraph 25 of its comments (addendum to A/52/30) regarding draft staff regulation 1.1 (c), which would establish a better balance between the rights and duties of international civil servants on the one hand and on the other, the rights and interests of Member States, which should in the end take precedence. The rights and duties of staff should be returned to the context of the biennial review of human resources management. The Secretary-General had rightly based his proposed code on the twin principles of responsibility and transparency, but, in its current version, the draft did not clearly extend the application of those principles to supervisors. ICSC was thus correct in noting in paragraph 44 of its comments that supervisors were automatically included under "staff members" and that accountability of managers was understood to be an inherent part of regulation 1.3 (a). The latter should clearly indicate that the professional behaviour of supervisors was also subject to regular evaluation.

11. In paragraph 26 of its comments, the ICSC had also commented on draft regulation 1.1 (d). If that provision was maintained in the code, it must mention expressly the principle of equitable geographical distribution. Finally, the new title suggested for the code was appropriate to its content.

12. **Mr. Sial** (Pakistan) shared the views expressed by ICSC in paragraph 18 of its comments regarding the confusion created by the terms used in the code. The code constituted a revision of chapter I of the Staff Rules and article I of the Staff Regulations, each of which contained 11 other chapters. The new title proposed by the Secretary-General did little to clarify matters. It would be best to call the code what it was, a revision of the Staff Regulations and Rules. His delegation approved of the ICSC proposal to delete from the code the reference to Article 99 of the Charter, which concerned the duties and responsibilities of the Secretary-General. It also approved the recommendation to delete from regulation 1.1 (d) the phrase "recruitment and" (paragraph 26 of the ICSC report). Finally, he supported the Secretary-General's proposal that the rights and duties of staff representatives should be examined in the context of Article VIII of the Staff Regulations and hoped that a report on the subject would be submitted to the Fifth Committee.

13. **Ms. Silot Bravo** (Cuba) stressed the particular importance of human resources questions and her delegation's interest in the proposed code of conduct. She welcomed the proposal to modify the title of the draft to express more precisely the content of the proposed text. However, that title seemed to go beyond a simple amendment to chapter I of the Staff Rules and article I of the Staff Regulations, and she hoped that the Secretariat would clearly specify the exact scope of the proposed code of conduct.

14. Furthermore, there seemed to be some haste to have the Fifth Committee take a decision on the document, and she would like to hear the views of the Secretariat on that subject. She would also like to know if the provisions of the draft code would be legally binding and whether it would be appropriate to request an opinion from a specialized legal body. Some provisions in the draft relied on concepts largely based on value judgements that could vary from one culture to another, for instance "sexual harassment" or integrity, and before proceeding to adoption of those provisions, the Committee should obtain a precise definition of the various concepts, which was lacking in the draft in its current form.

15. **Mr. Orlov** (Russian Federation) said that he found merit in the idea of establishing standards of conduct for international civil servants to follow, because the reform undertaken by the Secretary-General could only be effective if it also defined the conditions under which staff carried out

their duties. He thanked ICSC for its comments on the proposed code of conduct as contained in the addendum to document A/52/30, which the Russian Federation generally supported.

16. In the view of his delegation, the Committee should not rush the consideration of document A/52/488 but should give itself the means to take a balanced decision on it.

17. **Mr. Medina** (Morocco) said that his delegation associated itself with the statement of the representative of Indonesia on behalf of the Group of 77 and China. It would have been preferable if the consideration of a question as important as the proposed code of conduct could have been conducted with sufficient time to allow an in-depth analysis. He noted that from paragraphs 4 to 10 of the views of ICSC (addendum to A/52/30), the need for more time was evident. In his view, it would be wiser to refer the draft to ICSC once again, in the framework of the mechanism established for consultations among Member States, the secretariats and staff, for a detailed study of its impact on the common system.

18. His delegation would reserve further comment on the subject for the informal consultations.

19. **Mr. Darwish** (Egypt) said that the report of ICSC (addendum to A/52/30) highlighted some important aspects which the new Code, if adopted, would improve. He took note of the statement by the representative of Pakistan and endorsed the statement of the representative of Indonesia on behalf of the Group of 77 and China.

20. **Mr. Hanson-Hall** (Ghana) said that the comment of ICSC and the report of the Secretary-General were useful. All the questions raised in them, which had resulted from consultations with staff, should be fully discussed during the informal consultations.

21. Concerning the title of the draft, his delegation was willing to show flexibility but looked forward to a general exchange of views. Consideration of the question of the automatic application of any possible new rules should take into account the specific needs and situations of various organizations and bodies.

22. His delegation believed that the commentary on the articles of the text should not be an integral part of the Code. It was, however, ready to show flexibility on that subject and was open to discussion.

23. **Ms. Ng** (Panama) said that her delegation had taken note with interest of the addendum to document A/52/30 and the report of the Secretary-General (A/52/488/Add.1). It supported the position stated by the representative of Indonesia on behalf of the Group of 77 and China and emphasized that a satisfactory solution must be found informal consultations.

24. **Mr. Armitage** (Australia) noted that ICS recommended that the United Nations should follo the proposed amendments. That position was no contradictory with the fact that certain delegations several of the problems to be considered in greate On the other hand, his delegation was disappointed some delegations requesting more time. He acknow that the concerns expressed and the questions raised b were relevant, and his delegation was committe positive approach to the informal consultations, Committee must take a decision at the current r session. The debate on the subject had been going on years, and reference to haste seemed exaggerated.

25. His delegation was prepared to take an acti during the informal consultations in order to decision.

26. **Ms. Salim** (Assistant Secretary-General for Resources Management) said that the application of t Code was limited exclusively to United Nations simply represented an amendment to the United Staff Regulations and Rules and thus did not conc organizations of the common system.

27. The proposed amendments involved article Staff Regulations and chapter I of the Staff Rules, provisions would be replaced by those of the draf General Assembly should adopt it; the rest of th Regulations and Rules would remain unchanged.

28. In reply to a question, she said that work wa way on the drafting of a code of conduct for the Se General and experts on mission, and that those drafts be brought before the Committee when they were r

29. Because project directors and other manage also United Nations staff members, the rules conta the draft which applied to the staff in general wou apply to them.

30. In response to the suggestion that the text sh referred back to ICSC, she said that such a step wo be justified, in that the ICSC mandate was not limi to the United Nations. In addition, amending th Regulations and Rules of the United Nations was an prerogatives of the Secretary-General. The Secreta prepared to cooperate with ICSC, however, in the of a code of conduct that would apply to all the organ of the common system.

31. **Ms. Powles** (New Zealand) said that the expl provided by Ms. Salim were highly satisfacto

commended the Office of Human Resources Management for having maintained ongoing consultations with representatives of the staff and arriving at the deletion of references to staff representatives in the text of the draft.

32. Like the delegation of Australia, her delegation believed that four years was quite a sufficient amount of time to reach agreement on amendments that were so simple and so limited in scope. Therefore, it believed that the Committee should take a decision before the end of the fifty-second session.

33. **Ms. Silot Bravo** (Cuba) said that several questions remained unanswered and should be considered during the informal consultations. Although four years had indeed gone by since consideration of the matter had begun, the General Assembly had nevertheless not yet been able to give the draft document the kind of attention that such an important matter required.

34. **The Chairman** said that, there being no other speakers, the Committee had thus concluded its general debate on the Proposed United Nations Code of Conduct (A/52/488). The informal consultations on that document would be conducted by the Committee Rapporteur.

The meeting rose at 4.40 p.m.